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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/005,580
Filing Date: November 07, 2001
Appellant(s): ENGEL, GLENN R.

Calvin Ward (30,896)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/04/2007 appealing from the Office action mailed 01/12/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,405,111	ROGERS ET AL.	6-2002
6,104,875	GALLAGHER ET AL.	8-2000
6,920,495	FUSELIER ET AL.	7-2005
6,085,243	FLETCHER ET AL.	7-2000
6,490,617	HEMPHILL ET AL.	12-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,405,111 by Rogers et al. (Rogers) in view of U.S. Patent 6,104,875 by Gallagher et al. (Gallagher).

With respect to Claim 4, Rogers teaches a data collection node comprising:

an interface for receiving signals from a sensor (Col. 8 lines 20-38);

an interface for connecting said data collection node to a computer network (Col. 8 line 60 - Col. 9 line 22); and

a controller for generating data based on measurements of said received signals and communicating that data to a server via said computer network (Col. 9 line 66 - Col. 10 line 14),

wherein said controller communicates said data via HTTP (Col. 9 lines 11-22)

wherein said controller receives data from said server that determines a measurement to be made by said controller (Col. 9 lines 23-65 - controller may be connected to any number of sensors where a specific network controller (server) will provide appropriate specifications according to the sensor type).

Rogers does not explicitly teach the controller receiving commands from a user at a location remote from said node, said commands altering a measurement made by said controller. Gallagher teaches a controller device (Col. 4 lines 30-50) that receives commands from a user at a remote location, the commands altering a measurement made by the controller (Col. 5 line 62 - Col. 6 line 30: programming data and function routines entered by user and downloaded to controller which configure the controller's handling of the sensor signals).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the node disclosed by Rogers and modify it as indicated by Gallagher such that it further comprises wherein said controller receives data from said server that determines a measurement to be made by said controller and commands from a user at a location remote from said node, said commands altering a

measurement made by said controller. One would be motivated to have this as it is desirable to be able to be able to configure a controller after its initial configuration (In Gallagher: Col. 2 lines 49-56).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of U.S. Patent 6,920,495 by Fuselier et al. (Fuselier).

With respect to Claim 5, Rogers teaches a data collection node comprising:

an interface for receiving signals from a sensor (Col. 8 lines 20-38);

an interface for connecting said data collection node to a computer network (Col. 8 line 60 - Col. 9 line 22); and

a controller for generating data based on measurements of said received signals and communicating that data to a server via said computer network (Col. 9 line 66 - Col. 10 line 14),

Rogers does not explicitly disclose said controller communicates with said server via a proxy server on said computer network. However, Fuselier teaches that web servers typically implement a security firewall (Col. 15 lines 56-66). The firewall limits access to authorized users only (Col. 15 lines 56-66). Proxy servers are implemented in conjunction with firewalls so that valid messages will be forwarded through the firewall (Col. 15 line 56 - Col. 16 line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the data collection node disclosed by Rogers and modify it as indicated by Fuselier such that the node further comprises wherein said controller

communicates with said server via a proxy server on said computer network. One would be motivated to have this, as it is desirable to prevent unauthorized access to a server while not prohibiting valid messages (In Fuselier: Col. 15 lines 56 - Col. 16 line 5).

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of U.S. Patent 6,085,243 by Fletcher et al. (Fletcher).

With respect to Claim 6, Rogers teaches a data collection node comprising:

an interface for receiving signals from a sensor (Col. 8 lines 20-38);

an interface for connecting said data collection node to a computer network having a segment that is part of the Internet (Col. 8 line 60 - Col. 9 line 24); and

a controller for generating data based on measurements of said received signals and communicating that data to a server via said computer network (Col. 9 line 66 - Col. 10 line 14),

Rogers does not explicitly disclose a clock for generating time readings that are included with data that is communicated to said server. Fletcher teaches a data collection node that includes a clock for generating time readings that are included in the collected data sent to the server (Col. 10 lines 1-33). This allows collected information to be properly ordered and provide meaningful information (Col. 10 lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the data collection node disclosed by Rogers and modify it

as indicated by Fletcher such that the node further comprises a clock for generating time readings that are included with data that is communicated to said server. One would be motivated to have this, as it is desirable to have properly ordered and meaningful data (In Fletcher: Col. 10 lines 1-8).

With respect to Claim 7, Rogers further teaches wherein said clock is set via a message received from said server (In Fletcher: Col. 10 lines 1-33).

Claim 8-10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of U.S. Patent 6,490,617 by Hemphill et al. (Hemphill).

With respect to Claim 8, Rogers teaches a method for operating a computer network to collect data, said method comprising the steps of:

providing a data collection node connected to said network (Col. 8 line 60 - Col. 9 line 22 and Col. 8 line 60 - Col. 9 line 22), said data collection node comprising:

an interface for receiving signals from a sensor (Col. 8 line 60 - Col. 9 line 22);

a controller for generating data based on measurements of said received signals and communicating that data to a sever via said computer network (Col. 9 line 66 - Col. 10 line 14);

causing said controller to send a message to said server containing data generated by said controller (Col. 9 line 66 - Col. 10 line 14).

Rogers does not explicitly disclose causing said server to provide a web page for accessing data generated by said controller in response to receiving a registration

message from said controller and causing said controller to send a message to said server containing data generated by said controller after said controller sends said registration message. Hemphill teaches registrations techniques are known in the art (Col. 1 lines 13-44). Hemphill further teaches a data collection node which sends a registration message to a server (Col. 10 lines 19-67) which initiates the management of the node by the server (Col. 2 lines 1-13). After management of the device begins (in response to the registration message), the information from the node can be sent to the server and is further available through a web page (Col. 5 lines 3-29 and Col. 5 line 64 - Col. 6 line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Rogers and modify it as indicated by Hemphill such that the method further comprises causing said server to provide a web page for accessing data generated by said controller in response to receiving a registration message from said controller; and causing said controller to send a message to said server containing data generated by said controller after said controller sends said registration message. One would be motivated to have this, as it is desirable to provide information about devices at the time of discovery (In Hemphill: Col. 1lines 52-59).

With respect to Claim 9, Rogers further teaches the step of causing said controller to send a registration message to said server prior to communicating said data to said server (In Hemphill: Col. 10 lines 19-67 and Col. 5 lines 3-29).

With respect to Claim 10, Rogers further teaches said controller communicates said message containing said data via HTTP (In Rogers: Col. 9 lines 11-22) *and* (In Hemphill: Col. 2 lines 46-63 and Col. 9 lines 35-46).

With respect to Claim 15, Rogers further teaches the step of providing access to said web page via the Internet (In Rogers Col. 9 lines 11-24) *and* (In Hemphill: Col. 4 lines 10-13).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of Hemphill as applied to claim 8 above, and further in view of Fuselier.

With respect to Claim 12, Rogers in view of Hemphill teaches all the limitations of Claim 8 but does not explicitly disclose said controller communicates with said server via a proxy server on said computer network. However, Fuselier teaches that web servers typically implement a security firewall (Col. 15 lines 56-66). The firewall limits access to authorized users only (Col. 15 lines 56-66). Proxy servers are implemented in conjunction with firewalls so that valid messages will be forwarded through the firewall (Col. 15 line 56 - Col. 16 line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Rogers in view of Hemphill and modify it as indicated by Fuselier such that the node further comprises wherein said controller communicates with said server via a proxy server on said computer network. One would be motivated to have this, as it is desirable to prevent unauthorized access

to a server while not prohibiting valid messages (In Fuselier: Col. 15 lines 56 - Col. 16 line 5).

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of Hemphill as applied to claim 8 above, and further in view of Fletcher.

With respect to Claim 13, Rogers in view of Hemphill teaches all the limitations of Claim 8, but does not explicitly disclose a clock for generating time readings that are included with data that is communicated to said server. Fletcher teaches a data collection node that includes a clock for generating time readings that are included in the collected data sent to the server (Col. 10 lines 1-33). This allows collected information to be properly ordered and provide meaningful information (Col. 10 lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Rogers in view of Hemphill and modify it as indicated by Fletcher such that the node further comprises a clock for generating time readings that are included with data that is communicated to said server. One would be motivated to have this, as it is desirable to have properly ordered and meaningful data (In Fletcher: Col. 10 lines 1-8).

With respect to Claim 14, Rogers in view of Hemphill and in further view of Fletcher teaches all the limitations of Claim 13 and further teaches the step of resetting

said clock to a time determined by a message received from said server (In Fletcher: Col. 10 lines 1-33).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of U.S. Patent 6,490,617 by Hemphill et al. (Hemphill) and in further view of Gallagher.

With respect to Claim 11, Rogers in view of Hemphill further teaches wherein said controller receives data from said server that determines a measurement to be made by said controller (In Rogers: Col. 9 lines 23-65 - controller may be connected to any number of sensors where a specific network controller (server) will provide appropriate specifications according to the sensor type).

Rogers in view of Hemphill does not explicitly disclose the controller receiving commands from a user at a location remote from said node, said commands altering a measurement made by said controller. Gallagher teaches a controller device (Col. 4 lines 30-50) that receives commands from a user at a remote location, the commands altering a measurement made by the controller (Col. 5 line 62 - Col. 6 line 30: programming data and function routines entered by user and downloaded to controller which configure the controller's handling of the sensor signals).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Rogers and Hemphill and modify it as indicated by Gallagher such that it further comprises wherein said controller receives data from said server that determines a measurement to be made by said controller and

commands from a user at a location remote from said node, said commands altering a measurement made by said controller. One would be motivated to have this as it is desirable to be able to be able to configure a controller after its initial configuration (In Gallagher: Col. 2 lines 49-56).

(10) Response to Argument

Arguments under "B. Rejection of Claim 4" on pages 5-8 of the appeal brief:

Argument 1 on page 7 of the appeal brief:

"For this second embodiment to satisfy the limitations of claim 4, there would need to be a second "controller"...Rogers is silent with respect to any such second controller...Accordingly, the embodiment shown in Figure 5 does not satisfy the limiations that the controller receives the signals from the sensors and communicates that data to the server via HTTP."

Examiner's response to Argument 1

In rejecting claim 4, the examiner did not rely upon Fig. 5 or the discussion of the embodiment of Fig. 5. The cited portions of Rogers come from Col. 8-9, which are specific to Fig. 4. Discussion of Fig. 5 begins in Col. 10 of Rogers. Additionally, the embodiment of Fig. 5 does include the use of HTTP (See Rodgers Col. 10 line 55 - Col. 11 line 9). The examiner further notes that a reference is relevant for all that it teaches, including explicit and implicit teachings from multiple embodiments.

Argument 2 on page 7 of the appeal brief

"As noted above, the Examiner admits that Rogers does not teach that controller 200 receives commands from a user at a location remote from the node, the commands altering a measurement made by the controller. The examiner looks to Gallagher for the missing teachings...However, it should be pointed out that Gallagher does not teach that the new code alters any measurements made by the local microprocessor with respect to the sensors attached thereto. Gallagher refers to changes in algorithms used to process the collected data to provide a new control function for the node."

Examiner's response to Argument 2

In characterizing Gallagher, the examiner points to col. 4, lines 34-50, which describes a controller that is interfaced to sensors to collect signals generated by the sensors. This is similar to the data input controller of Rogers and also in line with the controller and sensor subject matter of claim 4. Gallagher states that the controller is "tasked under programmed instructions loaded at the time of manufacture to manipulate the sensor signals received" (Col. 4 lines 33-38 - emphasis added). Gallagher further describes a scenario in Col. 4, lines 38-50, where the loaded instructions not only control which sensors to poll and when, but also that the sensor measurements may be altered based on other sensed variables, which may affect the primary sensor signals (temperature affecting the pressure signals). This is the algorithm routine noted by the appellant.

Based on this characterization of Gallagher, the examiner interprets that at a base level, the controller of Gallagher is at least pre-loaded with

instructions/commands that alter the measurements made by the controller. This is based on a broadest reasonable interpretation of the claim subject matter "altering a measurement made by said controller". The examiner notes that the claim language does not indicate if the altering is directed towards how the measurement is made or directed towards a change to the actual measurement data. Regardless, Gallagher shows both forms of altering in Col. 4, lines 38-50, discussed above. Specifically, controlling which sensors to poll and when to poll is directed towards how and when the measurement is made, and manipulating the measured signal based on sensed variables is an alteration to an actual measurement.

The claimed subject matter further requires that the altering of a measurement is a result of commands from a remote user. Gallagher further describes that new programming can be downloaded to controller via any means for communicating data between two digital devices (Col. 5 line 62 - Col. 6 line 30). This programming changes the previous programming and thus alters both how the controller makes measurements as well as how the actual measurements are manipulated. Since the programming of the controller controls how measurements are made and manipulated, and this programming can be altered through remote user commands, the examiner considers the teachings of Gallagher to be within the scope of the claim language "*wherein said controller receives...commands from a user at a location remote from said node, said commands altering a measurement made by said controller*".

Additionally, in considering appellant's remarks, the changes in the algorithm of Gallagher can indeed be interpreted as being used to create a new control function, but such control function alters the measurements made by the controller. Appellant has not explained how providing a new control function based on downloaded code in Gallagher does not produce an alteration in the measurements made.

Argument 3 on pages 7-8 of the appeal brief

"*It should be noted that Rogers already teaches the downloading of code to controller 200 from network controller 220 in response to commands from a user at the local controller 200. Hence, the new functionality suggested by the Examiner is already in the system of Rogers. Accordingly, the Examiner's motivation to make the alteration is flawed.*"

Examiner's response to Argument 3

Appellant's remarks seem to imply then that the teachings of Gallagher would not be relevant to Rogers as Rogers already teaches the suggested teachings of Gallagher. In others words, appellant is essentially saying that Rogers teaches all the limitations already. If that is not what appellant is implying, then the teachings of Gallagher must disclose information not disclosed by Rogers and there would be at least some basis for combining the references.

Furthermore, Appellant's remarks simply imply that there is suggestion in both references to make the combination. If Rogers already teaches the downloading of code, then clearly there is already a similar system to Gallagher

that can potentially rely on the benefits of the teachings Gallagher. Gallagher provides for such benefits based on the fact that the code downloaded by Gallagher can alter measurements of the controller (as discussed above) after its initial configuration. The examiner considers this to be a sufficient motivation, as MPEP 2144 states, "*The strongest rationale for combining references is a recognition, expressly or impliedly in the prior art or drawn from a convincing line of reasoning based on established scientific principles or legal precedent, that some advantage or expected beneficial result would have been produced by their combination. In re Sernaker, 702 F.2d 989, 994-95, 217 USPQ 1, 5-6 (Fed. Cir. 1983).*"

Additionally, with the recent *KSR* decision, the examiner offers another rationale for making the combination based on appellant's own interpretation of Rogers:

> Rogers teaches downloading of code to controller 200 from network controller 220 in response to commands from a user at the local controller 20. Rogers does not specifically teach that the downloaded code alters a measurement made by the controller. Gallagher teaches programming code that can be remotely downloaded to a controller and that this code can be used to alter a measurement made by the controller (See Examiner's response to Argument 2 above). It would have been obvious to one of ordinary skill in the art to apply the technique of remote programming of a controller as taught by Gallagher, to improve the

controller system of Rogers for the predictable result of altering a measurement made by the controller.

Argument 4 on page 8 of the appeal brief

"*Hence, at best, the combination of Gallagher and Rogers teaches altering the programs on server 110 shown in Figure 5 from the remote browser 120. However, as noted above, this embodiment fails to teach the other limitations of claim 4. The examiner has not pointed to any teaching that input controller 200 taught in Figure 4 would receive commands from a remote user. Hence, Applicant submits that there would be no reason to make the combination of prior art...furthermore such a combination would not satisfy all of the limitations of claim 4.*"

Examiner's response to Argument 4

The Examiner's responses to Arguments 1-3 above are sufficient in responding to Argument 4.

Arguments under "C. Rejection of Claim 5" on pages 8-11:

Argument 5 on page 9 of the appeal brief

"*The issue here is not whether a proxy server offers a useful means for preventing unauthorized access to a server while permitting legitimate access. The issue here is whether adding a proxy server to the system taught by Rogers would offer that system any significant advantage that would cause someone of ordinary skill in to increase the complexity of the system taught in Rogers...In systems in which the users are all known, a proxy server does not provide any benefit beyond that provided by the access control system already on the server. Typically a password and conventional*

data encryption is sufficient...Since the system taught in Roger's already knows its users, the proxy server validation is not needed...Hence, Applicant submits that there would be no reason to make the combination of prior art..."

Examiner's response to Argument 5

The examiner disagrees with the appellant's narrow characterization of Rogers. While appellant may have described one potential scenario in relation to a system "in which the users are all known", consideration must be given to all potential scenarios. This is particularly true since Rogers does not focus on any particular security or authentication mechanisms. Appellant's own words, "Typically, a password and conventional data encryption is sufficient"(emphasis added), already implies that other security/authentication possibilities exist. Just because appellant has considered one mechanism to be typical, does not mean that other mechanisms would be excluded from one of skill in the art in terms of determining obviousness.

Additional consideration must be given to the fact that the system primarily described by Rogers is not the only intended embodiment (In Rogers Col. 8 lines 6-10). Appellant asserts that the system of Rogers is one where "all users are known". Even if this is the case, Rogers specifically states other embodiments are realized. This may include those where not all of the users are known.

What is important to note, is the fact that the system of Rogers is generally directed towards a web environment, including HTTP and TCP/IP environment of Rogers (See Col. 5 lines 41 - Col. 6 line 30, Col. 7 lines 51-64 and Col. 9 lines

23-31 for example). As such, the system of Rogers is akin to the web environment (noting web pages and internet are often associated with HTTP and TCP/IP) disclosed by Fuselier and would benefit from the advantages disclosed by Fuselier as outlined in the rejection.

Furthermore, taking into consideration the recent *KSR* decision, the examiner offers an additional motivation as follows:

> Rogers does not explicitly disclose said controller communicates with said server via a proxy server on said computer network. However, Fuselier teaches that web servers typically implement a security firewall (Col. 15 lines 56-66). The firewall limits access to authorized users only (Col. 15 lines 56-66). Proxy servers are implemented in conjunction with firewalls so that valid messages will be forwarded through the firewall (Col. 15 line 56 - Col. 16 line 5). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of adding a proxy server for communicating with a server as taught by Fuselier, to improve the networked controller system of Rogers for the predictable result of preventing unauthorized access to a server while not prohibiting valid messages.

Arguments under "D. Rejection of Claims 6 and 7" on pages 10-12 of the appeal brief:

Argument 6 on pages 10-11 of the appeal brief

"Applicant submits that Rogers teaches sending data to the server for processing the data, but does not teach that the server stores the data after the server processes the data. Hence, Applicant submits that there is no reason to provide a clock and time stamp data. The examiner assert that Rogers does describe (in col. 11 lines 10-67) a situation in which a history of collected data is accessed, that the data is stored related to the collected measurement, and hence, the Examiner argues that the addition of time stamps would be beneficial...The passage in Rogers...does not concern the storage of measurement data collected at the node, but of vehicle specification, inventory levels, and other financial and operational details relevant to business operations. The examiner has not pointed to any teachings regarding the storage or retrieval of the measurement data, and hence, applicant maintains that the system of Rogers would not benefit from the addition of a clock that generates time stamps on the measurement data communicated to the server."

Examiner's response to Argument 6

The examiner first notes that the claimed subject matter does not include any limitations related to the storage or retrieval of the measurement data.

The exemplary system of Rogers is related to "diagnostic analysis of vehicle components, such as the engine, brakes, suspension or alignment" (In Rogers, Col. 8 lines 14-15). In such a system, there may be one or more sensors providing signals to the data input controller (Col. 8 lines 26-31). Furthermore, the signals represent the diagnostic state of the vehicle. A 'diagnostic state' implies the state may change over time. Clearly, when a

system has multiple sensors and each sensor may produce different signals over time, the system can benefit from organization of such sensors and their signals.

Fletcher provides such benefits through the use of a clock and time stamp mechanism as outlined in the grounds of rejection. Particularly, Fletcher includes a data collection node that includes a clock for generating time readings that are included in the collected data sent to the server (Col. 10 lines 1-33). This allows collected information to be properly ordered and provide meaningful information (Col. 10 lines 1-8). As just stated, such a benefit would apply well to the system of Rogers as Rogers includes multiple sensors with signals that change over time.

Furthermore, Appellant seems to be indicating that one could only use the time stamps in the manner descried by the Appellant. However, one can easily imagine that tracking of the number of times the system is used, job tracking and access to data about one's car (in Rogers Col. 11 lines 21-37) could be tracked based on when the corresponding measurements where made. Furthermore, diagnosing equipment (In Rogers, Col. 11 lines 58-61) may also require some form of knowing when measurements were made in order to correctly identify errors or malfunctions.

Argument 7 on page 11

"*Furthermore, applicant submits that the servers taught in Rogers are general purpose computer that have their own clocks, and hence, can provide time stamps corresponding to the time the data is received. Such server time stamps already provide the benefit suggested by the Examiner without the cost of duplicating the clocks at the server nodes and assuring all of the clocks are synchronized*"

Examiner's response to Argument 7

While servers of Rogers may indeed have their own clocks, Rogers does not state that they are used for time stamping purposes. As such, it is not logical to state that one would not consider the teachings of Fletcher just because there is speculation that one would choose a different option.

Even considering that the servers could use their own clocks, this does not mean other forms of time stamping data would not be obvious. As discussed in the response to Argument 6, Fletcher provides one form of time stamping and further provides a strong motivation in the form of advantages in relation to organizing data to provide meaningful information.

Argument 8 on page 11

"*The clocks provide an advantage in the present invention ...Hence, the clock at the server is needed as part of the data sensors. In addition, the present invention anticipates situations in which data from a plurality of nodes must be combined, and hence, the time stamps are needed to properly combine the data.*"

Examiner's response to Argument 8

The examiner simply notes that MPEP 2105 states, "It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant."

Argument 9 on page 11-12

"*Second, Applicant submits that would be no reason, even if a clock were provided at the local automotive shop site and used to time stamp data sent from that shop for the clock to be reset according to a remote server. Such centralized synchronization is relevant for a system in which multiple measurements must be coordinated with one another, however Rodgers does not teach such a system*"

Examiner's response to Argument 9

Appellant argues that a clock reset is only relevant to one particular type of system. The examiner disagrees as a clock reset could be used for a number of reasons. Just like most electronic equipment, particular computers, resets are a part of maintenance and in dealing with technical problems. Additionally, the system of Rogers deals multiple customers and cars. Clearly, one may need to reset the diagnostic equipment to get readings relevant to the current car being worked upon at the current time.

Even considering a "*system in which multiple measurements must be coordinated with one another*", Rogers is in fact such a system. As discussed above (response to Argument 6), the exemplary system of Rogers is related to "diagnostic analysis of vehicle components, such as the engine, brakes,

suspension or alignment" (In Rogers, Col. 8 lines 14-15). In such a system, there may be one or more sensors providing signals to the data input controller (Col. 8 lines 26-31). Clearly, there are multiple sensors coordinated to multiple measurements in order to produce information relevant to, for example, wheel alignment.

Arguments under "E. Rejection of Claim s8-10 and 15" on pages 12-13 of the appeal brief:

Argument 10 on page 13 of the appeal brief

"*Applicant submits that the passage cited relate to the communication of management data, such as device address and status, not to any measurement data based on signals received from a sensor within a node...the remote browser is present simply for "accessing and displaying management information from the management server" and any of the web enabled devices. There is no teaching the information contains any data collected from a sensor...The "information about devices at the time of discovery" mentioned therein is not the same as information based on measurements of signals received from sensors as required by Claim 8.*"

Examiner's response to Argument 10

Based on the presented grounds of rejection, there is no requirement that Hemphill teach the information contains measurement data collected from sensors as Rogers teaches the particular data is measurement data collected sensors. Hemphill is relied upon to show that the one can provide a web page

with some form of collected data based on a registration technique. Particularly, Hemphill teaches a data collection node which sends a registration message to a server (Col. 10 lines 19-67), which initiates the management of the node by the server (Col. 2 lines 1-13). After management of the device begins (in response to the registration message), the information from the node can be sent to the server and is further available through a web page (Col. 5 lines 3-29 and Col. 5 line 64 - Col. 6 line 12). The examiner does not assert that this data in Hemphill is sensor data, as sensor data is already taught by Rogers. However, it is important to realize that data is data, whether it is sensor data or management data. The system of Rogers is already directed towards providing the measurement information in web page environment (See Col. 5 lines 41 - Col. 6 line 30, Col. 7 lines 51-64). As Hemphill is also directed towards a web page environment, it is logical that the advantages of the web registration techniques of Hemphill may be extended to the system of Rogers.

Argument 11 on page 13 of the appeal brief

"*The examiner has not pointed to any teaches in Rodgers or Hemphill that the web page in question would provide access to the data collected by sensors at the service node. In this regard, it should be noted that Hemphill does not teach that the remote nodes provides any information other than that needed to "self-describe" the node. There is no teaching that the web page will allow someone to have access to the ongoing data streams within the nodes in question.*"

Examiner's Response to Argument 11

In addition to the response to Argument 10 above, the examiner provides further remarks concerning Rodgers. Rodgers is already directed towards a web browser and server model for retrieving sensor data through web pages (See col. 10 lines 29 - Col. 11 line 8). Rodgers states, for example, "a web browser or server 120 anywhere in the world can access the aligner system of Fig. 5" (Col. 10 lines 61-63). Essentially, the combination is suggesting that one would modify the web browser and server model of Rodgers to have the registration technique of Hemphill to setup the web pages of Rodgers. While Hemphill is not necessarily directed towards the specific data being measurement data, Hemphill is still directed towards a similar field of endeavor.

Remaining arguments under subsections F., G. and H.

Appellants remaining arguments appear to rely on the same rationale as used in Arguments 1-11. As such, the examiner considers the remaining arguments to be responded to based on the responses to Arguments 1-11.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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